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Remarks

Claims 1-27 are pending.

Claims 1-27 are currently rejected.

Claim 1 is amended to claim more specifically what content programming and enhanced programming comprises (see the Summary of the invention, for instance). Also, the Applicants have amended the claim to distinguish the operation of the term "network" and "network operator" in view of the specification, see page 7, line 15 to page 9, line 2, and in other places. In addition, the concept of authorized and unauthorized content provider is disclosed in the specification on page 9, line 4 to page 11, line 24, and in other places.

Claim 5 is amended to claim that the recited criteria for extracting transaction information is based on criteria set forth by a third party which is not the network operator. That is, the criteria would not be based on criteria set forth from said user, said content providers, and said network operator.

Claim 7 is amended so that a user profile is created (not updated) if it didn't exist prior to the operation of two or more user transactions.

Claim 11 is amended so that the replacement of specific enhanced programming is performed in view of an instruction from said network operator.

Claim 12 is amended so that the additional enhanced programming is requested in view of an instruction from said network operator.

Claim 13 is amended for the same reasons and such amendments are supported in the same places as Claim 1.

Claim 16 is amended for the same reasons and such amendments are supported in the same places as Claim 1.

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Claim 18 is amended to eliminate the "consisting" language as to recite "comprising" and for language.

Claim 19 is amended to eliminate the "consisting" language as to recite "comprising" and for language.

No new matter is added in view of these amendments.

ARGUMENTS

I. 35 U.S.C. §102 Rejection of Claims 1-2, 4-17, 20-22, and 24-27

The Examiner rejected Claims 1-2, 4-17, 20-22, and 24-27 under 35 U.S.C. 102(a) in view of Gardner (U.S. Patent 6,141,694). Applicants disagree with this ground of rejection.

A. Rejection of Claim 1

As amended, Claim 1 now recites specific features to the claim to help distinguish the claim over the cited art of record. For example, the claim now recites that two types of content are available where standard video content is one type of content that is available, and enhanced video content is available, where enhanced video content is user interactive. Gardner does not concern itself with these types of content. The specific type of content in Gardner is HTML web pages available through the internet. Web pages of HTML content are not as dynamic and require more types of resources, than the two types of content recited in Claim 1. That is, Gardner is not concerned with the delivery of high level video content, where some of the video content is user interactive, and other is not.

The Examiner has referred to the specification of Gardner as disclosing enhanced programming, specifically by referring to the section "While this information is valuable in determining legal responsibility, there are other

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advantages of acquiring and maintaining information on customers. For example, with this information, firms can tailor advertising to customers that are likely to be interested," (Gardner, col. 2, lines 9 to 13, emphasis added). What this means is that an advertiser outside of the system can use profile information to determine what types of advertisements a user may want to watch. This information can be used by advertising agencies to develop new types of ads, or to figure out demographic trends. This process exists however outside of the invention. That is, Applicants assert that there is no correlation in this recitation of Gardner (or anywhere else) that discloses standard and enhanced programming as claimed in Claim 1. Similarly, col. 7, lines 38-40 of Gardner (also recited to by the Examiner) speaks to the updating of a user profile. This recitation of Gardner does not disclose or suggest the claimed features of Claim 1.

Claim 1 also now recites more specifically the operation of a network and an network operator, where "said network operator controls communications between said plurality of users and content providers as to prevent the transmission of content from a content provider if such a content provider is non-authorized". This type of concept where the network operator is control of whether or not content from a particular content provider is completely absent and is not suggested in the operation of Gardner. Gardner focuses on the operation of a profiling or monitoring system between a client (5) and a remote server (4). The embodiments disclosed in Gardner have profiling and monitoring operations done either at the site of the client (Gardner col. 5, lines 54 to 67) or the server (Gardner col. 6, lines 59-63). This is different than the network operator who operates the connection between the content operator and client from determining which content provider can transmit information to a client, and which content provider may not. Hence, this functionality of Claim 1 is neither disclosed nor suggested in Gardner.

The method steps of monitoring and extracting data in view of user transactions in Claim 1 is specifically performed by the network operator. These claimed steps are neither disclosed nor suggested in Gardner, where all of the

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activities described in the reference are either performed by a client or a content provider, not the network provider itself.

The method step of "providing the user with an option to view said identified particular enhanced content programming if said particular enhanced programming is from an authorized content provider" is neither disclosed or suggested in Gardner. That is, the method considers the source of identified content in determining whether to provide the user the option to identified enhanced content. This type of consideration is completely absent from Gardner, nor is it suggested, but in view of the Applicants' invention.

B. Rejection of Claim 4

Claim 4 discloses that the user itself determines what type of extracted transaction information is used. Gardner does not disclose that the user actually in control in terms of what type of information is extracted from a transaction. In fact, it suggests quite the opposite where either a server or the terminal operated by the user (where the control of the monitoring of such a terminal is controlled remotely) determines what information is extracted, see col. 8, line 48 to col. 9, line 48 of Gardner). Obviously, a service who wants to profile information from a user (as in Gardner) would not want the user to control what type of information is extracted from a transaction because the data possibly would not reflect the pure type of demographics that such services would want to sell.

C. Rejection of Claim 7

Gardner neither discloses nor suggests the operation of developing a new profile if a pre-existing profile did not exist after two or more user transactions. Gardner is more concerned with the updating of a user profile with more reliable information (see Gardner, col. 7, line 37 to col. 8, line 46, and in other places, for example information from a Department of Motor Vehicles instead of from the user him/herself).

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D. Rejection of Claim 11

Claim 11 recites the claimed features of "wherein said providing step is performed in response to the steps of requesting specific enhanced content programming, said requesting step performed by the user, wherein said particular enhanced content programming is substituted for said requested specific enhanced content programming in response to an instruction by said network operator". As recited above, the enhanced content programming is not just HTML data, hence Gardner does not even disclose or suggest what to do with either standard or enhanced programming.

Moreover, to disclose the elements of Claim 11, the reference has to disclose a "substitution" of requested enhanced programming for enhanced programming that is a substitution of requested programming. This substitution has to be enacted by an "instruction by said network operator". Gardner does not disclose or suggest either a substitution of enhanced content or who would perform/control such a substitution (where in Claim 11 it is performed by the network operator).

E. Rejection of Claim 13

As amended, Claim 13 now recites specific features to the claim to help distinguish the claim over the cited art of record. For example, the claim now recites that two types of content are available where standard video content is one type of content that is available, and enhanced video content is available, where enhanced video content is user interactive. Gardner does not concern itself with these types of content. The specific type of content in Gardner is HTML web pages available through the internet. Web pages of HTML content are not as dynamic and require more types of resources, than the two types of content recited in Claim 13. That is, Gardner is not concerned with the delivery of high level video content, where some of the video content is user interactive, and other is not.

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The Examiner has referred to the specification of Gardner as disclosing enhanced programming, specifically by referring to the section "While this information is valuable in determining legal responsibility, there are other advantages of acquiring and maintaining information on customers. For example, with this information, firms can tailor advertising to customers that are likely to be interested," (Gardner, col. 2, lines 9 to 13, emphasis added). What this means is that an advertiser outside of the system can use profile information to determine what types of advertisements a user may want to watch. This information can be used by advertising agencies to develop new types of ads, or to figure out demographic trends. This process exists however outside of the invention. That is, Applicants assert that there is no correlation in this recitation of Gardner (or anywhere else) that discloses standard and enhanced programming as claimed in Claim 13. Similarly, col. 7, lines 38-40 of Gardner (also recited to by the Examiner) speaks to the updating of a user profile. This recitation of Gardner does not disclose or suggest the claimed features of Claim 13.

Claim 13 also now recites more specifically the operation of a network and an network operator, where "said network operator controls communications between said plurality of users and content providers as to prevent the transmission of content from a content provider if such a content provider is non-authorized". This type of concept where the network operator is control of whether or not content from a particular content provider is completely absent and is not suggested in the operation of Gardner. Gardner focuses on the operation of a profiling or monitoring system between a client (5) and a remote server (4). The embodiments disclosed in Gardner have profiling and monitoring operations done either at the site of the client (Gardner col. 5, lines 54 to 67) or the server (Gardner col. 6, lines 59-63). This is different than the network operator who operates the connection between the content operator and client from determining which content provider can transmit information to a client, and which content provider may not. Hence, this functionality of Claim 13 is neither disclosed nor suggested in Gardner.

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The method steps of monitoring and extracting data in view of user transactions in Claim 13 is specifically performed by the network operator. These claimed steps are neither disclosed nor suggested in Gardner, where all of the activities described in the reference are either performed by a client or a content provider, not the network provider itself.

The method step of "providing the user with an option to view said identified particular enhanced content programming if said particular enhanced programming is from an authorized content provider" is neither disclosed or suggested in Gardner. That is, the method considers the source of identified content in determining whether to provide the user the option to identified enhanced content. This type of consideration is completely absent from Gardner, nor is it suggested, but in view of the Applicants' invention.

F. Rejection of Claim 16

Claim 16 claims "a plurality of content providers providing said enhanced content programming and the network prevents the transmission of at least one of standard and enhanced programming from an unauthorized content provider and the transmission of said programming that has been prevented comes from an authorized content provider from plurality of content providers in response to an instruction from said network". This feature is neither disclosed nor suggested in Gardner.

Specifically, Claim 16 recites that the disclose system will prevent content from coming from one content provider (who is unauthorized) and will allow the prevented content to be transmitted from a second content provider (who is authorized). What this means is that the system will allow content to come from one content provider but not allow the same content to come from a second (not authorized content provider).

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For the reasons given above for Claims 1, 4, 7, 11, and 13, Claims 1-2, 4-17, 20-22, and 24-27 are deemed to be patentable. Applicants request that the Examiner remove the rejection to these claims.

II. 35 U.S.C. §103 Rejection of Claims 3, 18-19, and 23

The Examiner rejected Claims 3, 18-19, and 23 under 35 U.S.C. 103(a) in view of Gardner (U.S. Patent 6,141,694). Applicants disagree with this ground of rejection.

A. Rejection of Claim 3

For reasons similar to Claim 1, the operation of what the network operator does in Claim 3 is neither disclosed nor suggested in Gardner. That is, it is either software running at the site of a client (not controlled by a user) or server which determines what criteria is used to extract transaction information.

Moreover, Applicants dispute the Examiner's Official Notice in regards to Claim 3. That is, Gardner discloses a system that is operated between a server and a client. Moreover, there is neither disclosure nor suggestion about the network operator getting involved in the system of Gardner, unless the Examiner applies hindsight knowledge in view of the Applicants' disclosure. Additionally, there is no rationale to support the obviousness rejection, even if the Official Notice rejection were proper, which Applicants believe it wasn't.

Hence, for the reasons cited above, Applicants assert Claims 3, 18-19, and 23 are patentable.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application is in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicant's attorney at (609) 734-6809, so that a

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mutually convenient date and time for a telephonic interview may be scheduled.
Please charge all fees owed in connection with this response and related papers
to Deposit Account 07-0832.

Respectfully submitted,
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